REMARKS

Claims 1-19 and 21-36 are pending. In the Office Action mailed on November 4, 2005, the Examiner rejected claims 1-3, 7-9, 11, 12, 17-19, 22-24, 28-30, 32-34 and 36 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,890,136 to Kipp ("Kipp") in view of U.S. Patent No. 6,496,806 to Horwitz et al. ("Horwitz"); and rejected claims 4-6, 10, 13-16, 21, 25-27, 31 and 35 under 35 U.S.C. § 103(a) over Kipp in view of Horwitz and U.S. Patent No. 6,463,345 to Peachey-Kountz et al. ("Peachey-Kountz"). Further examination and review in view of the remarks below are respectfully requested.

Applicants' Techniques

Applicants' techniques are directed to tracking orders at a unit level. One aspect of Applicants' techniques provides a unit order system that interfaces with an existing order processing system to track orders at the unit level. The existing order processing system provides an order database that typically includes an order record for each order and an item record for each item of the order. The unit order system provides a unit order database that includes a record for each unit of each item of each order in the order database. The unit order system periodically accesses the existing order processing system's order database to identify new orders or changes to existing orders in order to update the unit order database to reflect the new, changed or canceled orders.

Cited References

Kipp

Kipp describes a method for ordering and purchasing articles from a remote location for pickup at an article pickup area at an automated store. A central computer receives a customer's purchase order and stores the purchase order in a database. Subsequently, during article pickup by the customer, the central computer verifies the order by checking the order database and the information on file for that order. If the customer order is verified, then the central computer enables a release mechanism for

the articles ordered to cause the articles to be rapidly dispensed into the retrieval basket, and thereafter transported to the article pickup area.

Horwitz

Horwitz describes a method for tracking a cluster of items using records stored in a central database. A tag configured to transmit a signal representing a tag ID is attached to each individual item. The central database contains records for individual items and records for clusters (i.e., pallet, crate, etc.) of items. For example, when several items have been grouped together on a pallet, the pallet ID and the tag IDs for each of the items is saved in the central database. The records in the database are then linked together within the database to enable the pallet ID to be determined from the tag IDs, and to enable the tag IDs to be determined from the pallet ID.

I. Rejections under 35 U.S.C. § 103

Claims 1-19 and 21-35 stand rejected over Kipp in view of Horwitz or Horwitz and Peachey-Kountz. Applicants respectfully traverse these rejections.

Claims 1-19 and 21-35 each recite, (1) a unit order database that is distinct from an order database, and (2) when status of an item of an order changes, setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status so that the status of each unit of each item of an order can be tracked separately from the order.

In response to Applicants' argument that Horwitz does not disclose, suggest or teach setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status when the status of an item of an order changes, the Examiner stated that:

> With response to Applicant's arguments that Horwitz does not disclose that each unit can be tracked separately: Horwitz discloses that each unit has its own ID, and is grouped with a cluster and then each cluster is given ID *[sic]*. However, each unit retains its own ID, and ID record, therefore fully capable of being tracked at a unit level. The ID tags of Horwitz are linked, but Horwitz specifically states a "method and system for tracking each item in a cluster of items", therefore each unit is tracked separately.

Applicants respectfully disagree. Although Horwitz discloses that each item has its own tag ID, Horwitz neither teaches nor suggests that the status of each item can be tracked separately. According to Horwitz, when several of the items are grouped into a cluster, the tag ID for each of the several items that are grouped into the cluster is stored in association with the cluster ID in a central database. (col. 6, lines 27-32.) This allows an item to be tracked by linking its tag ID to the cluster or pallet ID in the central database. (col. 4, lines 44-46; col. 6, lines 27-32; col. 8, lines 16-24.) In Horwitz, the linking of the tag ID to the cluster ID is for tracking each item in a cluster of items to determine which item or items are not in the threshold number of items that are detected to be in the cluster. (see Abstract.) Thus, in Horwitz, the status of the items in a cluster is only tracked as part of the status of the cluster (i.e., whether or not the item is in the threshold number of items that are read to be in the cluster), and is not tracked separately apart from the cluster. This is in contrast to setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status when the status of an item of an order changes so that the status of each unit of each item of an order can be tracked **separately** from the order, as recited. Applicants can find in Horwitz no such disclosure or suggestion.

Even if one assumes that the tag ID and the cluster ID can be tracked separately, Horwitz, Kipp or Peachey-Kountz still would not disclose, suggest or teach setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status when the status of an item of an order changes, as recited.

In response to Applicants' argument that Horwitz does not disclose, suggest or teach a unit order database that is distinct from an order database, the Examiner conceded that "[t]he combination of Kipp and Horwitz fails to disclose the unit order database and order database be *[sic]* separate databases," but asserted that "[a]t the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the unit order database and order database be separate databases because Applicant has not disclosed that have *[sic]* separate databases provides an advantage or solves a stated problem." The Examiner further

stated that "[o]ne of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the centralized database taught by Horwitx *[sic]* because both methods perform the same function of tracking items on a unit level, and updating on an individual basis."

Applicants respectfully disagree. Applicants clearly state that their techniques provide a method and system for interfacing with an existing order processing system to track orders to the unit level. (see Specification, page 4, lines 6-7.) The existing order processing systems would store the information describing each order in an order database. (see Specification, page 1, lines 15-16.) In at least in one embodiment of Applicants' techniques, a unit order system provides a unit order database that includes a record for each unit of each item of each order in the order database of the existing order processing system. (see Specification, page 4, lines 7-9.) By interfacing the unit order system to an existing order processing system, existing order processing systems which were previously incapable of tracking orders at a unit level are now able to track orders at a unit level. (see Specification , page 2, lines 27-30.) A technical advantage to interfacing to these existing order processing systems – i.e., providing a unit order database that is distinct from an order database – is that the existing order processing systems are able to be used in their normal manner. (see Specification, page 4, lines 9-10.) Applicants' technique of interfacing to existing order processing systems addresses a disadvantage to these existing order processing systems without having to materially change the existing order processing systems.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-19 and 21-36 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,

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